



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

[DATE]

NOTICE OF POTENTIAL LIABILITY
URGENT LEGAL MATTER - PROMPT REPLY NECESSARY
RETURN RECEIPT REQUESTED

[COMPANY NAME]
[REGISTERED AGENT]
[RA STREET ADDRESS]
[RA CSZ]

**Re: Chief Supply/Greenway Superfund Site
Near Haskell, Wagoner County, Oklahoma**

Dear Sir or Madam:

The U.S. Environmental Protection Agency (EPA) has determined that you may be a Potentially Responsible Party (PRP) at the Chief Supply/Greenway Superfund Site (the "Site"). Therefore, you may be responsible under the Superfund law (also known as the Comprehensive Environmental Response, Compensation and Liability Act, or CERCLA) for cleanup of the Site, or for costs incurred by the EPA in cleaning up the Site. The purpose of this letter is to notify you of your potential liability, as defined by CERCLA Section 107(a), 42 U.S.C. 9607(a).

Notice of Potential Liability

A Superfund Site is any area or structure where hazardous substances have been released or threatened to be released. The EPA has documented the release or threatened release of hazardous substances, pollutants, or contaminants at the Site. The EPA has spent public funds on actions to investigate and control such releases or threatened releases at the Site. Under Sections 106(a) and 107(a) of CERCLA, 42 U.S.C. 9606(a) and 9607(a), the PRPs may be



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required to perform cleanup actions deemed necessary to protect the public health, welfare, or the environment. The PRPs may also be liable for all costs incurred by the government in responding to any release or threatened release at the Site.

The PRPs under Section 107 of CERCLA, 42 U.S.C. 9607, include current and former owners and operators of the facility, as well as persons who sent or transported hazardous substances to the Site, or who arranged for the disposal or treatment of hazardous substances at the Site. Based on EPA's evaluation of site information, EPA believes that you may be a PRP because [COMPANY NAME] sent hazardous substances to the Chief Supply/Greenway Site for disposal. The EPA has evidence in the form of monthly reports submitted by Chief Supply Inc. and/or Greenway Environmental Inc., to the Oklahoma Department of Environmental Quality (ODEQ) which lists the [FACILITY NAME] facility as a generator of hazardous substances sent to the Chief Supply/Greenway Site. By this letter, EPA notifies you of your potential liability with regard to this matter.

Site Response Activities

The Chief Supply/Greenway Site operated as a hazardous waste treatment and storage facility on an 18-acre site between 1977 and 2000. Operations at the Site primarily included the treatment, storage, and recycling of hazardous and non-hazardous wastes, including solvent and oil recycling; hazardous waste storage; paint stripping; and drum cleaning. Hazardous materials processed at the facility included petroleum-based solvents as well as spent halogenated solvents, contaminated soil and debris. Prior to 1998, Chief Supply reported receiving minor amounts of zinc phosphate, phosphoric acid, mercury, selenium, and asbestos. On June 27, 1997, EPA issued an Administrative Order (AO) under Section 7003(a) of the Resource Conservation and Recovery Act (RCRA) which required Chief Supply to perform measures to abate or prevent an imminent or substantial endangerment to health and the environment. Shortly after the AO was issued, Chief Supply filed for bankruptcy. The Site re-opened under the name of Greenway Environmental (Greenway), the current owner, in 1997. Greenway partially rebuilt and continued operations as a waste storage facility. Most of the wastes were stored in containers, roll-off boxes, and tank trucks. Greenway initiated RCRA closure plans, but stopped remediation efforts in 2001.

By letter dated November 10, 2003, the ODEQ requested EPA assistance in a Removal Action at the Site. Due to the continuing threat of fire and explosion to neighboring residents and evidence of trespass, in particular by children, EPA elevated the action to a classic emergency response and conducted a removal assessment on March 24, 2004. The removal action began on April 13, 2004, and was completed on June 16, 2004. Waste streams found onsite included organic liquids, visibly contaminated soil and spent carbon, organic solids/hazardous solids from reactors, chlorinated liquids and sludge, trash and debris/personal protective equipment (PPE), RCRA empty drums and tanks, paint solids with mercury, paints (oil based, latex, and aerosols), household aerosols, pesticide aerosols, mercuric nitrate, high pH

(base) solids, and unmarked compressed gas cylinders containing various quantities. For more information on the removal action, please see the enclosed CD, Removal Activities Summary.

Response Costs

In accordance with CERCLA, EPA undertook certain actions and incurred certain costs in response to conditions at the Site. These response actions included conducting the removal action. The PRPs are responsible for reimbursing the Federal Government for past costs of the activities described above. Under CERCLA Section 107(a), any responsible party may have to pay all of EPA's costs. This is known as "joint and several liability." By this letter, EPA informs you that through June 30, 2006, EPA has incurred approximately \$804,775.51 in connection with the Site. See enclosed CD, Unreconciled Cost Summary Report.

Designation of *de minimis* Parties

At this time EPA considers [COMPANY NAME] a *de minimis* party because analysis indicates that the volume and nature of hazardous substances that [COMPANY NAME] disposed of, or had disposed of, at the Site are greater than .073% but below 1%. This quantity of waste represents a minimal contribution compared to the other hazardous substances at the Site. This is based on information the EPA received from the Oklahoma Department of Environmental Quality (ODEQ) in the form of Monthly Reports for Controlled Industrial Waste Sites. Accordingly, EPA believes that [COMPANY NAME] may be eligible for a *de minimis* settlement. These *de minimis* offers will be based on each party's "fair share" meaning the percentage contributed will be the percentage of costs allocated. See enclosed CD, Evidentiary Documents: ODEQ Monthly Reports.

Major Parties

The EPA has designated parties contributing greater than 1% of waste to the Site as major waste contributors or major parties.

De micromis Parties

The EPA has designated parties contributing less than .073% of the total amount of waste as *de micromis* parties. Waste quantities defined as *de micromis* are comparatively minuscule amounts of waste. The EPA will not pursue *de micromis* parties.

Eligibility for a *De Minimis* Settlement

Based on the information EPA has collected to date, the Agency believes that, although [COMPANY NAME] may have liability under CERCLA as generator at the Chief Supply/Greenway Site, [COMPANY NAME] may be eligible for a special *de minimis* settlement with EPA. Under CERCLA § 122(g), whenever practicable and in the public interest.

EPA may offer special settlements to parties whose waste contribution to a site is minimal in volume and toxicity, that is, *de minimis* parties.

Settlement Process

It is EPA's policy to first settle with *de minimis* parties and then negotiate the remainder of the response costs with the major parties. At this time the *de minimis* and major parties are receiving a notice of potential liability. Within 60 days, an offer to settle will be issued to the *de minimis* parties. Included in the offer to settle letter will be details on an informational meeting to be held by EPA. The meeting will be scheduled approximately two weeks after the offer to settle letter is issued. At this meeting all *de minimis* parties will have an opportunity to discuss the offer to settle letter received. The *de minimis* parties will have 30 days to accept or decline the offer. Upon completion of the *de minimis* settlement process, EPA will issue a demand for payment to the major parties for the remainder of the site costs, i.e., costs not recovered from *de minimis* parties.

Financial Concerns

EPA is aware that the financial ability of some PRPs to contribute toward the payment of response costs at a site may be substantially limited. If you believe and can document that **[COMPANY NAME]** falls within this category, please call **1-866-874-8891** for information on "Ability to Pay Settlements." You will receive a package of information about such settlements to include a form to fill out about your finances and a request to submit financial records including federal business tax returns. If EPA concludes that **[COMPANY NAME]** has a legitimate inability to pay the full amount, EPA may offer a schedule for payments over time or a reduction in the principal payment.

Please note that some or all of the costs associated with this offer may be covered by current or past insurance policies issued to **[COMPANY NAME]**. Most insurance policies will require that you timely notify your carrier(s) of a claim against you. To evaluate whether **[COMPANY NAME]** should notify your insurance carrier(s) of this notification, you may wish to review current and past policies, beginning with the date of your or your company's first contact with the Chief Supply/Greenway Site up to the present. Coverage depends on many factors such as the language of the particular policy and state law.

If you have any questions about the Chief Supply/Greenway Site or EPA's *de minimis* determination, please call 1-866-874-8891.

Information to Assist Responsible Parties

We would like to encourage good faith negotiations between the PRPs and EPA, as well as among the PRPs. To assist the PRPs, EPA is providing the following information on the enclosed CD:

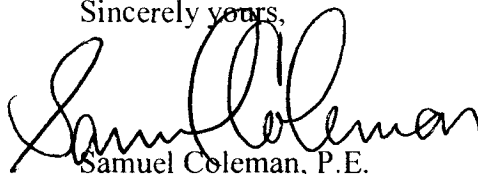
- Unreconciled Cost Summary Report;
- Summary of Removal Activities;
- Evidentiary Documents: ODEQ Monthly Reports;
- List of names and addresses of PRPs to whom this notification is being sent. This list represents EPA's preliminary findings on the identities of PRPs. Inclusion on, or exclusion from, the list does not constitute a final determination by EPA concerning the liability of any party for the release of hazardous substances at the Site;
- Chief Supply/Greenway Superfund Site Fact Sheet that describes the Site; and
- Fact sheet about the Small Business Regulatory Enforcement Fairness Act.

PRP Response and EPA Contact

You are encouraged to contact the EPA at the number listed above with any questions you may have about this letter and to indicate your willingness to participate in future settlement at this Site.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Samuel Coleman".

Samuel Coleman, P.E.

Director

Superfund Division

Enclosures (5)



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JOHNSON	BOLDEN	GREENWELL	STENGER	MORAN	PEYCKE	HUBBARD	PHILLIPS	COLEMAN
<i>12/20/06</i>	<i>11/20/06</i>	<i>12/28/06</i>	<i>12/28/06</i>	<i>11/28/06</i>	<i>11/28/06</i>	<i>12/28/06</i>	<i>12/28/06</i>	<i>12/28/06</i>